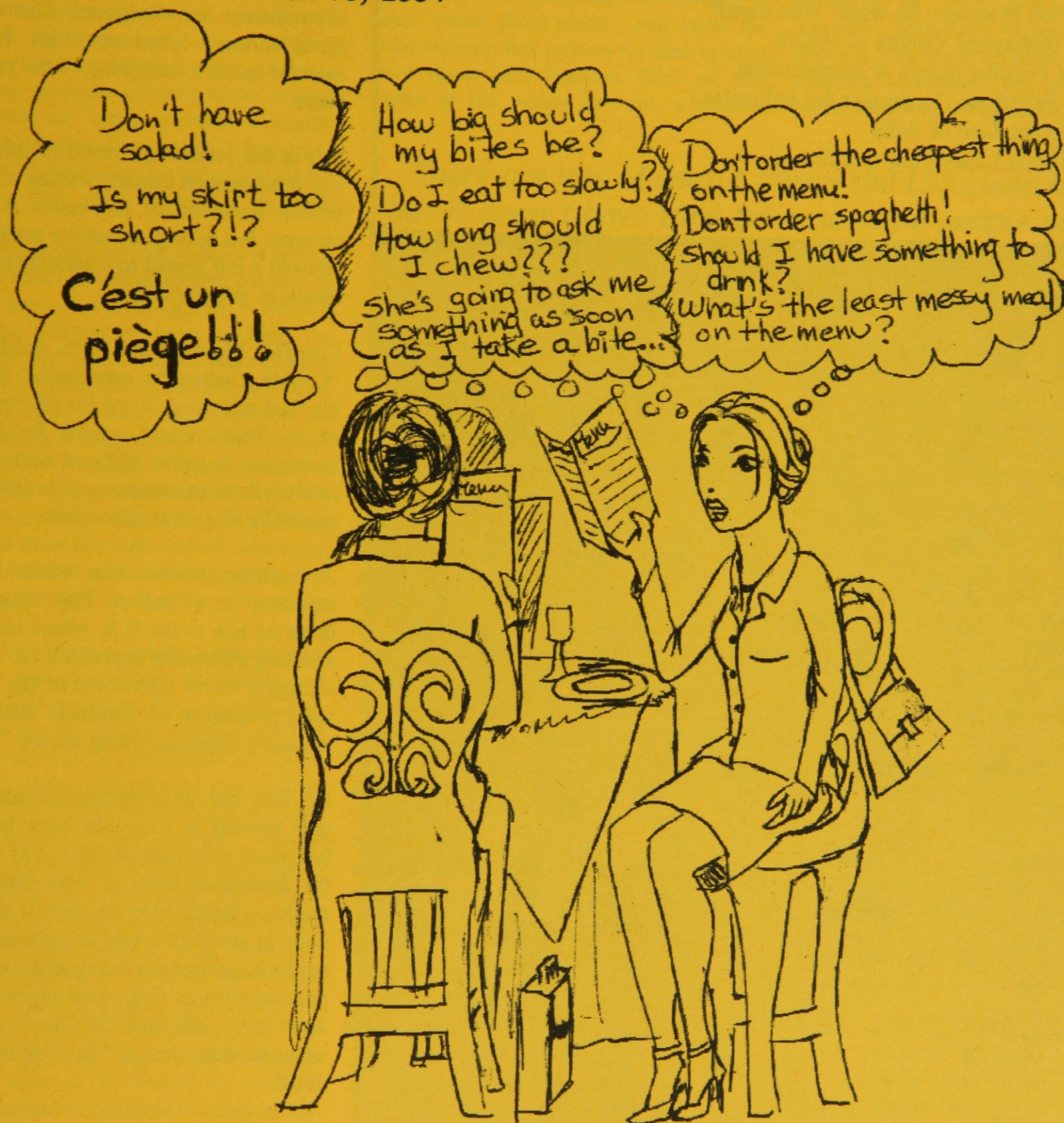


Quid Novi

McGill University, Faculty of Law
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PHASE III Montreal Recruitment:
Culinary Torture

EX Dyer 11/03/04

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

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Editor's Note...

How To Be Deported From Canada Without Even Trying: Mohammed Cherfi

Last week, via its travel report, the Department of Foreign Affairs repeated that Canadian citizens should defer any trip to Algeria given the current state of unrest in many parts of the country. Anyone with even limited knowledge of Algeria will recall various violent uprisings, terrorist acts and tourist kidnappings in the past few years.

It is in this persisting context of instability that Immigration Canada wanted to deport several hundreds of non-status Algerian refugees last spring, of which many were allowed a last appeal to Canadian officials thanks to public outcry.

Last fall, Mohammed Cherfi, head of the "Comité d'action des sans statut" received his final rejection. Given his role as leader of the 'sans-papiers', many believe the decision to be above all laced with political motives from governments who didn't welcome Cherfi's vocal opposition.

Authorities arrested him while seeking sanctuary in a Québec City church and deported him to the U.S. where he is now awaiting a probable deportation to Algeria, a country where opponents of the government continue to mysteriously 'disappear', including Algerians living abroad.

Not only has the centuries-old tradition of safe harbour in Churches been breached, but blurry explanations offered as a motive for deportation seem to have become the norm in Canada. One wonders if the likelihood of possible threats to national security can be so overwhelming as to perpetuate policies such as those that pushed Maher Arar in a coffin-like cell for a year: the same scenario awaits Cherfi if nothing is done.

For those interested in developments of the Mohammed Cherfi case, please visit: <http://www.mohamed.levillage.org/>

Patrick

(Not) as President of the LSA...

by Michelle Dean (Law II)

In a recent issue of the Chronicle of Higher Education, David Lester wrote a letter to the editor, in response to a previous essay by an academic who had recently resigned from a tenure-track job for reasons of overwork. Outlining his own survival strategies for the academic grind, Lester, a psychology professor at a state school in New Jersey, said he hadn't attended a faculty council in decades. His reason? "I found that I liked my colleagues much better if I did not listen to their silly comments in such meetings."

The line caught my eye because it largely describes how I feel about student politics. In the last year of my undergrad I spent a depressing amount of time working for "student causes" at the SSMU. I was a Senator who made the rather ill-advised choice of also sitting on SSMU Council. I spent much of the year, believe it or not, battling out the Middle-East-by-proxy crisis. (There was a proliferation of accusations of anti-Semitism and anti-Arabism, as it was the year of 9/11.) There was more than one council meeting at which both sides of the issue gathered in increasing numbers on opposite sides of the room.

Other highlights included a weekend at an extremely expensive retreat in Tremblant at which nothing productive was accomplished. Oh, except that we learned that \$15 000 had been lost on Frosh as a result of the VP-in-charge's mistaken impression that calling Bran Van 3000's agent was sufficient to book them. Although I sat on the Finance Committee, I never saw the SSMU budget until it appeared on a Powerpoint presentation at 10 p.m. on the evening we were told we had to pass it to meet constitutional timelines. When someone tried to amend the budget later that evening to allocate more money for clubs, the motion failed. An Engineering rep. put forward the stellar argument that without a detailed look at the budget we couldn't amend it and should just therefore rely on the eternal wisdom of the executive and pass it. An hour of my life was later devoted to an argument with the editor of the McGill Tribune about whether she and her editorial staff were entitled, in addition to the stipends the SSMU pays them for their work, to hugely expensive dinners at the end of each semester.

When it became clear to her that her arguments were not succeeding with the committee, she began to cry.

All of this is just to say, in reference to certain events about which I only know the broad outlines, that perhaps it's time to calm down about LSA finances. With all due respect to the parties involved, a censure

There are lots of useful things the LSA could be doing, but it doesn't have time because some people don't like other people and some people can't get over the fact that the stakes are pretty small here...

motion is not a big deal given that most of the Faculty probably learned about it in the Quid itself. (One wonders if certain people realized that from reading last week's article.) There's no blemish on the transcript, nothing that needs to be purged or pardoned. Life is short. And yes, maybe people should have been more careful, or taken more personal responsibility and yes, in an ideal world no money would ever be lost by anyone. But that's no reason to be defending or, frankly, attacking people in the Quid.

Of course, the attacking and defending are not what concerns me the most about this whole affair. (By the way, I don't even know if it's properly characterized as an affair. But people are only writing rather cryptic Quid articles about it and so I find myself having to be cryptic in response.) As someone who recently had an extremely bizarre experience applying for Special Projects Funding, let me say that the LSA is much too distracted and dysfunctional at the moment, and appears to have been so for quite a while. And that's the shame of it, really. There are lots of useful things the LSA could be doing, but it doesn't have time because some people don't like other people and some people can't get over the fact that the stakes are pretty small here and that in the end, if Skit Nite is fabulous everyone who did care about what was going on is going to forget rather quickly.

The best example of something the LSA could have and must do is to start talking about the elephant in the room. I'm sorry, John and Jason, however valid your points, that elephant is not grades, but funding. The

simple fact is that even if the Faculty wanted to push a pass-fail system through, we would need to allocate or re-allocate non-existent resources to study and implement it. Academic policy and money are not easily divisible. Anyone who's spent serious time on academic committees will tell you that the parties that win are generally those who do

the work. It's time for the LSA to start digging in its heels and talking about the Social Contract and other options again. Otherwise we're just going to come to school some morning and find that the conversation that we had been pretending wasn't happening is over. We'll be stuck with whatever the government/Heather Monroe-Blum decides in our absence.

A few weeks ago the Quid had an "As Dean of McGill Law" contest. Which was great and all, but at the time I found myself wondering why it is that people are so obsessed with the things they can't immediately change and so disinterested in the things they can. I can't become Dean of McGill Law overnight. On the other hand, I won't be running for the President of the LSA next week, but I could, and if I were really interested in changing things I would. ■

To Remove the Squiggly Red Line of the Unknown:

by Akbar Hussain (Law I)

I added to Word's dictionary, the word "foreseeability".

Old-School Racism Still Lives In Montreal (And, Hey, I Really Miss That Band Called Cafeine)

by David Perri (Law II)

I love this city as much as one possibly can. I very rarely speak ill of Montreal and, consequently, will sometimes go to great pains to cover up any of its deficiencies (Montreal doesn't have deficiencies, lest you wonder). It's why an event that happened two weeks ago still vaguely bothers me, even though my dismay wasn't very affecting to begin with.

The tale in question occurred on a Saturday night at one of my favourite clubs on Ste-Catherine E. I was dancing to a hipper-than-thou set of songs (by Hot Hot Heat, The Rapture, Le Tigre and Peaches) with male and female friends when a couple of girls approached us. They danced with us for a bit, and then we all headed back towards the bar due to the fact that the The White Stripes were being played (for the record, I like The White Stripes. However, "Seven Nation Army" has become a mainstream anthem and I still can't deal with that).

I ended up talking to these two. They initially spoke to me in French, and I reciprocated by dialoguing back en Français. No problem. With the loud music playing, they didn't seem to catch my anglo accent and that was just fine by me. After the usual blather about nothing, it somehow came up that I was English. I didn't expect this to be a big deal. Unfortunately, my revelation was greeted with a not-so-innocuous rhetorical question from one of the girls: "Un anglais?" That was followed by a statement from the second girl, who confirmed my horrendous non-secret. "Il est un anglais." Both girls then immediately gave me the thumbs-down to my face (accompanied by a quick "booo"), and left for another part of the bar.

For the first second or so, I was kind of surprised. "Did they just leave because I'm English?" I asked myself. When it sunk in, I was shocked more than anything. I wasn't really hurt. I didn't care that they had left, it wasn't like they were that great or cool or enlightening or revelatory. They were complete strangers I didn't plan on ever seeing again after I left the bar. But for two humans beings to suddenly end a conversation and retreat the opposite part of the premises just because my mother tongue

is English was a bit disturbing. Especially since I had spoken French to them the whole time. To make things even more ironic, I was wearing an Ion Dissonance t-shirt, Ion Dissonance being a grindcore band made up exclusively of Francophones.

So, old-school racism still lives in Montreal. One of my Francophone friends who was with me during the situation dismissed it. He claimed that their small-minded attitude must have been from "les regions". His regions claim was solidified slightly when I spotted the two bobbing up and down to Les Cowboys Fringants sovereignist anthem, "En Berne," later on during the night. The thing is, if they were indeed from les regions then their behaviour might be understandable, if not excusable. But this is Montreal. This is a city founded by two languages and cultures. This isn't the unilingual beacons of Kelowna, BC or Rouyn-Noranda, Quebec.

On that night I quietly wished a rawk band called Cafeine was still around. Cafeine achieved some fame in Quebec and Ontario circa the late '90s with an album titled *Mal Eduque Mon Amour* and a single, "Tu Ne Peux Pas Partir." The group's second record, *Star*, came out in 2000 and was a mix of both French and English tunes, the band truly reveling in the duality of Montreal's bilingualism. Lead singer Xavier Cafeine was able to unite the franco hipsters of rue St. Denis with the anglo cafe-dwellers of St. Laurent (I'm talking north of Pine, not that stupid trendy area near Sherbrooke). For a time, he had the city's indie-rock scene in his hands, and embraced both elements of Montreal's bi-polar nature. Xavier still spins records from time to time under the moniker DJ X. Check him out. He might remind you (and me) that the old-school racism we still find here isn't a pre-requisite. ■



WADA coming to our Faculty Wednesday 24 March at 1 pm

Mr Olivier NIGGLI
CFO and Director of Legal Affairs

Mr Rob KOEHLER
Deputy Director, Standards and Harmonization

Will be presenting and discussing the legal implications of the World Anti-Doping Code (on countries and athletes), Testing procedures (among others: strict liability; therapeutic use exemptions) and Sports Arbitration.

For more information on WADA, the Code, IS and TUE: www.wada-ama.org

You can also contact: Viviana Iturriaga Espinoza at miturr@po-box.mcgill.ca

Ratio Decidendi:

RE Students v. The Status Quo (Part 3)

by John Haffner and Jason MacLean (Law I)

To better understand how a "Distinction-Pass-Fail" system may be implemented successfully at McGill Law, we contacted representatives of the Berkeley and Yale Law School administrations; our Berkeley contact preferred to not be identified; our Yale contact is Kate Stith, Deputy Dean and Professor of Law. Here is what we learned.

1. The Berkeley and Yale Models:

Both the Berkeley and the Yale models are the result of student-led initiatives now over 30 years old. Berkeley assigns the designations "High Honors," "Honors," "Pass," "Substandard Pass," and "No Credit." In first-year classes, the top 40% receive honors grades, with 10% receiving High Honors and the next 30% earning Honors. There is no similarly strict curve, however, governing the distribution of the Pass, Substandard Pass, and No Credit designations, and faculty are not required to give any Substandard Pass or No Credit assessments. Students are not ranked by their academic records.

Yale issues "Honors," "Pass," "Low Pass," and "Failure" assessments in 51 out of 82 classes; the remainder are strictly "Credit-Fail," including all required first-year courses. Credit-Fail courses reduce the considerable stresses of the first year and encourage students to take creative and productive risks throughout their degrees. Yale does not release its aggregate honors distribution, but in Professor Stith's large lecture course, about 25% receive honors; in her smaller seminar classes, between 25% and 50% receive honors, depending on the quality of student papers. Yale does not impose a required curve for its classes and students are not ranked by their academic records.

2. The Students' and Faculty Reaction:

A few students are dissatisfied. This is to be expected. But as our Berkeley contact put it, "most students are delighted." Delighted, specifically, to: (a) be free of "pressure;" (b) "not have to worry about the extensive differentiation" of a letter-based system; and

(c) enjoy greater "collegiality" and a less "competitive atmosphere."

According to Professor Stith at Yale, the system is very popular with most of the students and most of the faculty. "It changes the culture," Stith says. "I don't want to say it gets rid of competition, but it leads to less of an obsession with grades."

Some faculty members at Yale are concerned about the rising number of students receiving honors, while other faculty members maintain that all honors assessments are deserved. Most faculty members at Berkeley are supportive.

3. The Law Firms' Reaction:

Because the new assessment policy has long been in place at Berkeley and Yale, employers are quite familiar with the system - they understand its motivations and they recognize its benefits. Almost all of Berkeley and Yale's graduates are employed following graduation unless they elect to pursue graduate studies or take time off. Doing away with grades does not, therefore, mean doing away with jobs.

To successfully implement a "Distinction-Pass-Fail" system at McGill Law for both its intrinsic benefits and as the first step toward broader and deeper curricular reform, the students, the faculty administration, and the Career Placement Office must work together to communicate and explain the advantages of the new system to prospective employers, advantages these employers will happily reap. In so doing, we can further enhance McGill Law's standing as a leader in the field of legal education and training.

Professor Stith acknowledged, incidentally, that there may be a relationship between the stature of a law school and its ability to successfully implement some variation of "Pass-Fail" evaluation. Professor Stith went on to say that, in her view, McGill Law has the stature to make such a move if it so chooses.

4. Hierarchy for Hierarchy?

At Berkeley and Yale, those students who used to want A's now focus on getting "High

Honors" or "Honors." But our hypothesis of the greatest utility for the greatest number is borne out by experiences of both schools - the new system benefits "the bulk of people," who are happy to feel that they do not have to worry about grades at the expense of learning.

Instrumentality cannot, and arguably should not, be legislated away entirely. A dichotomous "Pass-Fail" system, however, would do just that, but that is neither the system in place at Berkeley and Yale nor is it the model we propose for McGill Law. All three systems allow for some form of instrumentality, be it in the form of "Honors" or "Distinction," both of which are just as good as, if not better than, an A or an A-.

Let's take a closer look now at the proposed McGill model and see why it is even better than the Berkeley and Yale alternatives.

5. The McGill Model:

The objective of the McGill Model is to minimize meaningless student differentiation and ranking - in a class of such highly accomplished, highly motivated, and highly self-starting students, differentiation can serve no valid educative end, no useful pedagogical purpose. The McGill Model of "Distinction-Pass-Fail" allows for the external recognition of extraordinary academic achievement (meriting "Distinction") without paying the heavy price of academic stigmatization (simply compare a "Pass" by itself with the unhappy combination of B- and a class rank of 100 out of 160). Everyone benefits.

Although the Berkeley and Yale models are preferable to letter-based grading regimes, neither completely avoids unnecessary differentiation and stigma. The McGill Model, by contrast, explicitly recognizes academic distinction but avoids the meaningless, unavoidably arbitrary differentiation of "Honors" and "High Honors." Nor does the McGill Model adopt either a "Substandard" or "Low" pass category, both of which are as stigmatizing as a letter grade. Because of both the quality and commitment of McGill students and the ►

fact that a "Pass" will signal a significant academic achievement, the proposed McGill Model constitutes a significant improvement on both the status quo and the Berkeley and Yale models.

But what about "Fail"? What does that entail? If the Berkeley and Yale models are any guide, failures will be rare occurrences, but not because the bar is set arbitrarily low. On the contrary - a "Pass" under the new McGill Model will require both hard work and genuine learning. Few will fail, rather, because of the high level of academic commitment our students will bring to bear on themselves and each other; if intrinsic motivation is not enough, keep in mind that few will want to either repeat a course or earn extra credits. And just take a look around you: how many lazy low-achievers do you see? Exactly.

Is "Fail" itself not stigmatizing? Ultimately it is, but in the model we envisage, it will be a rare occurrence, and one that will virtually always be fair and meaningful. No

system is perfect, after all, and of course not everyone will be completely happy - the McGill Model is not a utopian project. It is our contention, however, that the adoption of a "Distinction-Pass-Fail" assessment system

sufficient - the replacement of grades with a "Distinction-Pass-Fail" system is, in itself, no panacea. Without the replacement of letter grades, more meaningful curricular reform is all but impossible.

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will significantly improve the intellectual and social life of a vast majority of the Faculty, students and professors alike, and for this reason it merits your active support.

6. Broader Legal Education Reform:

Grading reform is a desirable end in itself. It is also the necessary first step toward the larger goal of broader, transsystemic legal education reform. Necessary, but not

The time is now to take this first crucial step toward an even better legal education. Sign the petition to support the replacement of letter-based grading with the McGill Model of "Distinction-Pass-Fail." The petition will be available on the first floor of New Chancellor Day Hall (opposite the Moot Court) beginning tomorrow. ■

A Law Excursion: The Rebellious Lawyering Conference at Yale University

by Lisa Schneiderman, Naomi Kikoler, Shirley Wei, Sylvia Boss, and Sandra Bereczky (Law I)

Like any good rebellion,
Five women set out on the road
Down to Yale Law,
Known for great drink as it was Bush's old home.

Our journey began smoothly as we
discovered our knack
For keeping sexy law enforcement hot on
our track!

At the border, we got into a frenzy,
Not wanting to be turned back for our fresh fruit and veggies.
All the while the irony was there,
that if it wasn't for the nice car, credentials and the right hair,
Our entry into the U.S. may not have been so swift,
As those before us had been quizzed,
searched and perhaps striped.

Instead the customs official seemed quite charmed
To see five female law students cruising in the car.
Off we went only 2 hours late,
When we saw a billboard that could change

our fate.
Jail for sale - hmm,
Should we forget Yale?

As we drove along, we exclaimed "oh shit!"
A siren announced "traveling 140 was a bit too quick".
Luckily for us, the cop just wanted to wave high,
To the 5 girls from Quebec who looked at him and said, "Oh my!"

New Haven lives up to its pizza reputation,
But it's time to change the name
Of the Connecticut Department of Mental Retardation.

With 500 conference participants, we met lots of cool people
From Tulane to Utah, Colorado and Maine.
Not to worry we upheld McGill's trans-systemic name.

As innocent people are sent to jail,
The public school system continues to fail.
Electoral outcomes are determined by money
And communities are destroyed in the name of a large multinational company.

The passion and ingenuity of the participants made us realize
Somehow we'll join on a route through which change can arise.

We asked lots of questions and took lots of notes.
But let's face it the reputation we cared about most,
Was defended that evening and began with a toast!
Starting a trend on the dance floor, we quickly got into our groove.
Attracting some unsavory attention, which forced us to move!

Fully well rounded, law chicks are way cool
, We solved our own car problems and made it back with at least one new pair of shoes!
All joking aside, this trip has rewarded us in more ways than one.
Five girls who barely knew each other developed a friendship that can't be outdone.
We debated and learned about public policy and human rights,
How to win a class action and fight against Bush might! ■

Another Reason to Love Montreal: The Saint-Michel Environmental Complex

by Shirley Wei (Law I)

Last Friday, members of Environmental Law McGill went with students from main campus on a tour of the Saint-Michel Environmental Complex. The popular guided tour is free for everyone and includes free transportation. The Saint-Michel Environmental Complex is a unique place that is attempting to convert itself, the third largest landfill in North America, into a residential park when it reaches its capacity in about 2 years. The Complex is no longer accepting household garbage, but will continue to accept construction debris until it shuts down. What is amazing about the Saint-Michel Environmental Complex is their ability to contribute to the community. They are able to collect and burn 98% of the bio gas seeping from the landfill, providing energy for 12,000 homes in the Saint-Michel area. They also provide the bio gas for free to companies who in turn give the Complex 10% of their profits. They collect about 165 million m3 of bio gas per year, or 60 Olympic stadiums, which is equal to removing 1 million tons of CO2 from the air, or 250,000 cars' worth

of annual pollution! The Complex also provides free to the public a compost pile where dead leaves and Halloween pumpkins are turned into useable compost. Wood furniture and Christmas trees are also shredded into chips to make pressed wood.

One of the most interesting aspects of the tour was visiting the sorting area of recyclables. Paper is compressed into 1-ton blocks and given to companies to convert to toilet paper, notebooks, etc. Metal cans are separated from glass and plastic bottles by a magnet, and the plastic bottles are separated from the glass by blowing air through the pile (the plastic bottles will end up on top; glass on bottom. While this is all well and good, however, it is important to remember that what we throw into the garbage will go straight to the landfill and will contribute to the bio gas and leachate (garbage juice) that will contaminate our water, air, and ultimately our health in immeasurable ways. Recycling is not just a matter of tossing things into the recycling bin. Although there is a certain amount of contamination allowed, unclean jars filled with rotting mayonnaise and paper soiled

with oil (mixed with the mayonnaise jar in the recycling bin, for example) cannot be recycled and will be thrown out. Sorting facilities simply do not have the time to clean out our containers. The bottom line is, not only must we recycle - we must do so conscientiously, i.e. separate paper from containers, rinse out our bottles and jars, and remove lids. Hazardous things that we can't throw into our recycling bins, such as paint, wood, electronic appliances, and batteries, we can bring to the Eco-centres in Montreal, open Monday to Saturday.

In a few years, the Saint-Michel Environmental Complex will be a residential park of about 2 km2 with biking trails and playgrounds for children, a process that has already begun. If you're still not convinced of its special place in the Montreal community, maybe the Cirque du Soleil will - their international head office and their residence building is located right next to the landfill, and is a part of the beautification process of the St. Michel Environmental Complex! For more information about the Complex, look on its website: www.cemr.ca. ■

Le Mal de blesser

Comment ai-je pu faire ce que j'ai fait?
Je ne comprends pas, mais j'ai tellement mal
Je ne sens plus rien que cette douleur constante
Qui fait saigner mon cœur jusqu'à l'âme

Le mal d'avoir déçu celle que l'on aime
Est le plus grand mal que je connais
L'amour est la plus grande de toutes les punitions
Pour celui qui blesse celle qu'il aime

Peut-être qu'aimer c'est pouvoir sentir cette douleur
Alors je connais la douleur, mais j'ai perdu l'amour
Comment aurai-je pu me ramasser dans le fin fond de ce gouffre
Alors que j'étais si proche du paradis sur terre?

Maintenant je ne sens plus rien que ce mal de vivre
Je défis Lucifer d'une plus grande souffrance
Sans doute en enfer j'irai pour ne plus sentir
Cette réalité cruelle qui découpe mon cœur

À chaque fois que je ferme mes yeux, je vois les siens
Ils regardent mon âme avec tant de déception et de douleur
Je ne peux supporter de fermer mes yeux même pour une seconde
Imaginez donc mes nuits devenues un interminable cauchemar

Depuis, quand je lui parle, sa voix tremble
Sans le vouloir, elle laisse percer ses espérances souillées
Je veux qu'elle oublie que je l'ai atteint au plus profond
Gravé dans mes souvenirs pour toujours, à jamais

Toi que je chérie tant, comment ai-je pu te faire du mal?
Pardonne-moi, pardonne-moi je t'en supplie
Dissipe cette souffrance à petit feu qui chauffe mon âme
Donne-moi un baiser et disperse ces démons à jamais

Mes chers amis, apprenez de mes erreurs
Ne laissez filez cette personne si chère
Chérissez son bonheur plus que le vôtre
Car si par malchance vous lui faites du mal, vous me rejoindrez
dans les ténèbres... ■

Same-Sex Marriage: Just Another Headnote to Read?

by Paul Hesse (Law II)

Last Saturday, March 6th, in Ottawa, around seven hundred Canadians rallied in support of equal marriage. Dubbed the "March of Hearts", the rally was very successful in sending a positive message about same-sex marriage. Couples, regardless of sexual orientation, fall in love and form relationships. It is time that these partnerships were given equal recognition before the law in all parts of Canada, not just Ontario and B.C. The same should also be said for the United States.

Speaking to students in the faculty on this issue, I have found a great deal of complacency. While for the most part supportive of equal marriage, law students assume that "it's a done deal". Sooner or later, they believe, the Supreme Court will rule in

favour of updating the definition of marriage.

While a very large number of McGill students attended the march, only a handful came from the Faculty of Law. I am certainly well aware of how busy we law students are and our many priorities. After all, 120 page long cases don't read themselves. But, I wonder if the other participants in the march realized something that some of us may have forgotten.

Civil rights do not exist in a vacuum. We should not blindly assume that the Charter will look after us. There must be support for those rights as well. Having worked in the political field, I am keenly aware of the opposition to same-sex marriage in this country. There are also growing murmurs about "judicial activism". That is why I

thought it so important to organize a rally on Parliament Hill. A public demonstration that Canadians, regardless of age, religion, colour, sexual orientation or income support equal marriage takes us closer to achieving that vision.

This little submission to the Quid is about more than same-sex marriage. If you believe that the law should change, then take action. Whether through litigation or political mobilization, take the initiative. If you believe in rights, then express yourself. Don't just assume that Parliament or the courts will do the right thing. Learn a lesson from those undergrads "down on lower campus". Don't be complacent. Speak up.

Same-Sex Marriage: So What? Who Cares?

by Edmund Coates (Alumni II)

Would you have any rights, if people around you were passive? If they felt too busy, getting on with their own affairs? If they expected someone else to look after it?

This is some people's attitude in relation to same-sex marriage. But many other people would be willing to lend a few minutes to this cause, if they saw a simple way to do so. The stewing situation of unfairness cuts between the residents of different provinces. It needs a political push. A stroke of legislation could raise this shame, at no cost to the public purse.

Imagine that you felt ready to legally affirm your relationship of love, support, and admiration with your life partner. Perhaps you have yearned for this symbolism for years. And, yet, you are told that you should wait a further three, four, five ... years, told that you should wait for the courts to probably work

things out.

Here is something that you can do right now. Go to Egale Canada's website (www.egale.ca). If you are not sure who your M.P. is, use the link there to find out. Then, on the Egale homepage, select the link "Your M.P.'s Record". Select the name of your M.P.. You will see in detail whether the person, who claims to represent you, actively supports inclusion and fairness, whether they are mostly a passive observer, or whether they strive for continued exclusion.

Send your M.P. an e-mail (the link "Find Your M.P.", on the Egale homepage, will let you get your M.P.'s e-mail address). Mention that you are a constituent and a law student who has studied and thought about the issue of same-sex marriage (include your postal address in their riding, to add legitimacy).

If she is an active supporter, congratulate her. If she is mostly passive, tell her that you expect her to be active in support. If she is an opponent, tell her that this does not represent your views, and invite her to examine the arguments again.

M.P.s will be particularly sensitive to the tendency of views coming-in from constituents, since an election is looming. Your M.P. has to decide what public commitment she will make to the voters. You will have acted to let her know your view: this carries far more weight than the often knee-jerk responses elicited in a telephone survey.

Ploughing through law school casebooks means reading a lot of history. But McGill law students should also seek to help make history: in small ways, in large ways, and in all ways in between. ■

Some Distinguished Visitors at McGill

by Professor William Tetley

Lord Denning at McGill

In 1967 Lord Denning (the famous English judge and prodigious author) was given an honorary degree at McGill and the Women's Society of Law Students feted him. (Women at McGill used to be a minority and had their own society; they now form 62% of the student body. Will the men students now organize their own society named the McGill Men's Law Society?)

In order to raise money, the Women's Society had coloured T-shirts printed with Denning's very identifiable profile on it, which shirts they sold at a profit. They sent one to Lord Denning, who was delighted and who replied in a long letter that "He would wear it on all appropriate occasions".

Lord Donaldson (who followed Denning as Master of the Rolls) told me that Denning was delighted with the shirt and kept it in his briefcase and would show it to anyone interested. Lord Donaldson also described Lord Denning as: "An old man in a hurry."

My own experience as I grow older, is that anyone who has anything to do or say in life, will always be in a hurry to complete what he is working on. Denning's energy and achievements were an example to us all.

Lord Wilberforce at McGill

In the 1980's Lord Wilberforce was in Montreal at an International Law Association meeting when he came to McGill Law Faculty, where he was received by the Dean Brierley. The Dean asked if he would speak to the students, who were awaiting a normal lecture and Wilberforce said he would be pleased to. Wilberforce asked the subject and the time for the talk. He was told "The English legal system with reference to English law" and the time available was 50 minutes. He then walked into the classroom and gave an absolutely eloquent and precise exposition for 50 minutes, with a reasoned conclusion and then sat down.

Afterwards, when asked how he did it, he replied that one learned as a barrister when summing up and as a judge in first instance, when giving decisions from the bench.

Sir John Mortimer at McGill

John Mortimer (famous for the stories of his father "Rumpole of the Bailey", gave the Sir Edward Beatty Lectures about fifteen years ago and told amusing anecdotes for the week that he visited McGill and during his

three lectures, never repeating himself once. Professor Irwin Cotler was asked to organize a lunch for Mortimer at the University Club with 7 or 8 professors. The ebullient Irwin invited indiscriminately from among professors and friends, without counting the numbers and we were about 20 persons assembled in a private dining room at the Club, but there was no sign of the guest of honour. Cotler went out and found Mortimer at the bar of the Ritz Hotel talking, animatedly with three strangers. Eventually they all headed over for lunch, where by this time there were about 30 of us assembled and we had a glorious time listening to Mortimer.

A typical Mortimer story, told with flourish and enthusiasm, was of the barrister, who turned up in court at the last minute, but not wearing his wig and gown and asked to postpone a hearing with the consent and request of his colleague on the other side. The judge objected to the application, because the barrister was not properly attired and said that he could neither hear him nor even see him. The barrister insisted, but the judge said that as far as he was concerned the barrister was invisible and mute. The barrister asked again if he was in fact invisible to the judge and could not be heard. The Judge replied that it was so and the barrister then raised both hands, with fingers extended to his nose and gave the judge what children used to call a noisy raspberry.

Chief Justice Rehnquist at McGill

In the summer of 2000, Chief Justice Rehnquist of the U.S. Supreme Court came to McGill Law Faculty to give a series of lectures in one of the summer schools, which Tulane University of New Orleans had organized around the world. The lectures were from 9 to 10 a.m. and he was always on time. He arrived breezily, on foot every morning at the door of the Faculty wearing colored shorts, a bright Hawaiian shirt and headgear, which looked as though a Texas sombrero had been crossed with a Maine potato farmers' straw hat. And if he arrived ten or fifteen minutes early, that was when the lecture started, to the surprise and consternation of the students, particularly the very polite, but rarely punctual students from South America.

He liked quips and I tried to have one for him every morning. "Read your text last

night, Mr. Chief Justice, and it is not cruel and unusual punishment, as advertised." "Glad to hear it, Bill" was his reply as he sailed by.

I was asked to take him to dinner with a few of my friends. I chose the restaurant and the friends carefully and we all had a wonderful time. During the dinner he asked to go to the men's room and as I led him there, people at every table we passed got up and said "Hello, Mr. Chief Justice" or "Good evening Sir". He noted that more people seemed to know him in Montreal than in Washington but, of course, as he also noted, he was much freer to walk around Montreal, than in Washington.

It is interesting that the even Justices of the U.S. Supreme Court are permitted to accept lecture fees up to a total of \$75,000 per annum. Chief Justice Rehnquist's fee, to be paid by the Tulane Summer School was to be \$13,000 US, apart from his expenses. (Actually his lecture fees that year had reached the limit and he accepted nothing.) Rehnquist stayed in a modest hotel, which did have a swimming pool and he put on no airs whatsoever. He objected to wearing ties in summer and turned up without a tie at a reception of the Quebec Bar Association in the posh Mount Royal Club, to the surprise of the well-dressed lawyers.

Arnold Toynbee at McGill

The renowned historian, Arnold Toynbee, came to McGill in 1961 to give the Sir Edward Beatty Memorial Lectures. Toynbee was spritely and charming with long white hair. The platform guests wore black tie, and he wore an ancient dinner jacket, which with time had turned a remarkable deep green colour. The jacket was unique in that it had a small tail on it, in the style of 1920's during the period of evolution from white tie and tails into black tie (and eventually the American "tuxedo"). His lectures were triumphs of elucidation and interest. He was also required to meet students during his week at the University and it was expected he would only meet graduate students and professors, but he turned up unexpectedly at all classes including History 101, sitting in the front row and politely asking all sorts of questions of the very young and startled assistant professor. The effect on the History Department of McGill was, of course, magical. ■

Dobbs' Populist Return to Mercantilism

by Szandra Bereczky (Law I)

CNN anchor Lou Dobbs is on a crusade. His proposal, a return to mercantilism, is catching on as viewers across the CNN radar are tuning in every night to watch his campaign - "Exporting America." Mr. Dobbs' breaking news targets U.S. business establishments and thumps companies that move jobs to low-wage countries. This hour long embarrassment is not only fudging every lesson from Economics 101, but is also mocking some of the more intelligent interviewees Mr. Dobbs cares to bring on his show.

On February 4th, Pascal Lamy, the EU Trade Commissioner, was ridiculed for enforcing WTO rules and labeled as personally contributing to the U.S.'s trade deficit with the EU, swift conclusion that Dobbs drew after some three minutes of obnoxious verbose from his part.

Why do I watch Lou Dobbs every night? Unfortunately, the tubes at the gym are always tuned on to this pathetic piece of entertainment. One would like to think that television is at least a tool that relaxes the grey matter of the brain....think again! The frustration that I go through while listening to this broadcast not only makes me ill, but also makes me question the value of today's public socio-economic discourse.

Recently, Mr. Dobbs called for President Bush to fire a top economic adviser, who said outsourcing U.S. service jobs is probably good for the economy. Dobbs also lauded Congress for considering legislation to limit government work from being sent overseas. Last week, Mr. Dobbs was joined by Sen. Chris Dodd, D-Connecticut, to talk about his amendment (recently adopted by the Senate) that would "prohibit taxpayer dollars from being used to outsource or take offshore work formerly done in the United States."

Mr. Dobbs' campaign also offers a website with a compiled list of more than 200 companies that he says are "either sending American jobs overseas, or choosing to employ cheap overseas labor, instead of American workers."

The propaganda for such protectionism is coming from an anchor, who quotes Ludwig von Mises, an economist from the early-mid 20th Century, who staunchly opposed socialism, and who defended property rights, free-market economics and who advocated comparative advantage as the "law of human

association." Mr. Dobbs features the following quote on his website <http://edition.cnn.com/CNN/Programs/lou.dobbs.tonight/>: "The common man is the sovereign consumer whose buying or abstention from buying ultimately determines what should be produced and in what quantity and quality."

Is Lou Dobbs shooting himself in the foot? One wonders about the true intent and integrity of Mr. Dobbs. His list of 200 American firms that participate in "Exporting America" include all of America's motor

The frustration that I go through while listening to this broadcast not only makes me ill, but also makes me question the value of today's public socio-economic discourse.

vehicle companies, many of its biotech and telecommunications firms. A solemn implication: "Boycott these firms!" If indeed, Lou Dobbs were to succeed and Americans were to boycott these firms: would this mean that Americans could no longer purchase Ford or GM vehicles? ...Buy Honda! Exactly, the logical way to import America.

Lou Dobbs' crusade is clearly a populist return to protectionism. Economics is not a zero-sum game. Lower cost production abroad means lower cost goods in return at home. If the U.S. did not engage in international trade and in outsourcing some services, Wal-Mart and all other medium and large-size companies could not afford to sell the average American inexpensive goods.

A quintessential example: Americans love Pay Less Shoes. Anyone care for \$10 T Shirts? \$1 Toy Cars? \$59 DVD Players? Imagine if one day all these were to disappear. Where would the Barlows and the Harts of Middle-America shop?

In fact, a number of economists advocate, rightly so in my opinion, that domestic problems ought to be dealt with using policies that target those domestic ills. Tariffs and other trade prohibitory measures are an ineffective way of addressing macroeconomic goals regarding employment or the balance of trade. The reason why these American firms engage in international business is because of the scarcity of factors of production at home and the abundance and comparative advantage of these same factors abroad. As such, it is a long-standing rule of economics that governments should not correct

employment and other domestic socio-economic ills by choosing protectionist policies that reduce economic efficiency. Rather, they should address those problems with targeted and corrective socio-economic measures.

Unfortunately, thinking beyond immediate job losses is greatly unpopular in democratically elected governments, especially during an election year. Long-term investment in our youth's education, so that the high paying jobs of the future are theirs, might be a harder sell than an immediate

sanction on "evil capitalist rent seekers".

The fact is, there is a natural trend in the U.S. toward the service industry - including the high-end financial market, where the U.S. maintains a trade surplus. Moreover, many intellectuals have argued that economic integration leads to world peace and stability. Mr. Zoellick, the U.S. Trade Representative, has delivered a number of speeches declaring that one does not go to war with trading partners (i.e. nuclear India and China). Is Mr. Dobbs not aware that punishing trading partners and breaking away from the World Trade Organization rules and open market will only lead, as it has in the past (the Great Depression), to retaliatory sanctions from abroad?

Lou Dobbs claims that he is "an absolute free market capitalist", but that "[he] believe[s] in the importance of clear, accurate information to create free markets." However, he fails to highlight the positive aspects of the U.S., such as its regulated financial market, institutional stability and rule of law, which all ensure that Bangalore will not replace Silicon Valley any time soon.

Dobbs ought to provide his viewers with reasonable and grounded policies and arguments instead of the nonsensical speeches about protectionism and legislative amendments that prohibit the flow of business. Otherwise, over time, the information filtering of Lou Dobbs will surely taint his viewers' perception about the American market, while forcing populist politicians to undue decades of increasingly freer and fairer trade. ■

Pierre Falardeau : Le dernier des imbéciles !

par Guillaume Lavoie (Law II)

Je fus toujours, en bon Canadien, un grand défenseur des valeurs de la Charte canadienne. Cependant, l'absurdité et la grossièreté à leur meilleur m'ont amené à considérer personnellement que quelques individus ne se méritent pas ma largesse d'esprit. Et bien, les événements récents m'ont amené à ajouter un nouveau membre en règle parmi ceux auxquels j'aimerais cracher au visage. Vous l'aurez deviné par le titre, il s'agit de Pierre Falardeau ! La liberté d'expression devrait prendre fin là où débute les discours de cet énergumène. Le gouvernement québécois devrait passer une loi interdisant à Pierre Falardeau tout droit de parole, incluant une dérogation aux articles 2 et 7 à 15 de la Charte canadienne des droits et libertés en vertu de la clause nonobstant pour s'assurer qu'une telle loi soit constitutionnelle.

Vous comprendrez que ma frustration découle des propos récents du personnage. Je vais cependant mettre de côté tous les reproches faciles que l'on pourrait émettre face à sa manière de s'exprimer, à son langage, son hygiène, ses habitudes, son apparence, sa dentition, ..., etc., pour n'attaquer que la substance de son discours.

Sauf tout le respect que j'ai à l'égard des souverainistes (ma blonde en est une), rien n'est plus désolant pour l'intelligence du débat qui peut exister à l'égard de la pertinence de la sécession du Québec que les propos de ce " gueux " qui ressemble au " gollum " de Lord of the Rings. (N.B. : Je tiens à préciser que je me permets de tenir de telles insultes à l'égard d'un individu qui ne se gêne pas d'insulter tout le monde et qui a fait de l'insulte sa signature, même si cela m'abaisse à son niveau, afin de voir se réaliser un juste retour des choses).

Pierre Falardeau a précisé à l'entrevue effectuée par Paul Arcand que sa vision du Québécois inclut ceux de toute origine ethnique, mais qui parlent le français et qui souhaitent faire du Québec un pays souverain. Parallèlement, il précisait sa haine bien connue face aux bourgeois, aux riches, et à ceux qui tentent d'être intellectuels. Pour cette raison, il a détesté Les Invasions Barbares. Il a aussi précisé qu'il renierait son fils s'il était fédéraliste.

Sans aller dans plus de détails de l'entrevue, on peut comprendre par celle-ci que la vision de Pierre Falardeau du Québec serait probablement le pire cauchemar qui pourrait découler d'une sécession du Québec.

On comprend que pour plaire à Pierre Falardeau, le français aurait à être imposé de manière beaucoup plus sauvage que la loi 101. Les anglophones n'auraient certainement pas leur place dans ce beau " pays " et seraient certainement victimes de discrimination. Le développement culturel du Québec que l'on connaît serait étouffé. Falardeau veut voir la culture québécoise se limiter au sirop d'érable, aux " sacres ", au bûcheron avec la veste à carreaux qui regarde les Belles histoires des pays d'en haut. En d'autres mots, il aimerait un retour partiel à l'époque d'avant la révolution tranquille. Non pas pour remettre en place l'influence du clergé et pour voir disparaître l'influence syndicale, mais bien pour que le Québécois se remettre à manger des " beans " et du lard salé et qu'il soit bien gardé de s'élever intellectuellement et de s'ouvrir à la mondialisation, au multiculturalisme, etc.

Une chose est certaine, l'existence du discours de cet individu nuit profondément à la cause souverainiste. Je m'en réjouirais, si cela n'incluait pas des insultes à de grands hommes québécois tels que Denys Arcand ou le grand politicien que fut Claude Ryan. Tant et aussi longtemps que des hommes comme Pierre Falardeau existeront, j'estime qu'il s'agit d'une raison suffisante pour ne jamais permettre au Québec de devenir souverain. Je ne voudrais pas prendre le risque de voir un jour de tels hommes pouvoir influencer la vision politique d'un gouvernement québécois, qui n'étant plus soumis à la constitution canadienne et à l'influence politique que peut exercer le reste du pays, prendrait possiblement un virage accentué vers la gauche et qui pourrait risquer de sombrer vers des politiques discriminatoires sous le couvert de la protection de la culture québécoise.

Le Québec doit demeurer au sein du Canada. Le reste du Canada tend dans plusieurs provinces à être plus à droite que le Québec et exerce ainsi sur ce dernier une influence à ce niveau. Dans le même sens, le fédéralisme canadien impose au Québec des politiques respectant les droits individuels et des politiques commerciales de droite (particulièrement sous l'ALENA) assurant le développement économique du Québec. Du point de vue intellectuel, le fédéralisme canadien permet au Québec d'avoir une vision beaucoup plus libérale du multiculturalisme.

Je pourrais nommer ainsi une série d'éléments d'influence positive que le Canada exerce sur le Québec

Or, cette influence est la seule manière de protéger le Québec de l'influence d'individus comme Falardeau ou pour nommer un autre exemple, Parizeau. Une société québécoise où vivraient ces hommes et qui ne serait pas soumise à cette influence positive du fédéralisme canadien se rapprocherait peu à peu des politiques d'extrême droite de Le Pen et se rapprocherait également du " gauchisme ".

Voici quelques exemples :

Le désir de vouloir protéger notre langue et notre culture est tout à fait légitime. Et je crois, que nous avons aujourd'hui atteint un équilibre entre le respect des droits individuels et ce désir. Cependant, nous devons cela à la Constitution et à la Cour suprême du Canada qui ont obligé le législateur québécois à faire preuve de compromis. Or, cette influence ayant disparue, la législation serait possiblement amendée pour imposer plus de restrictions aux libertés individuelles.

Politique économique : Qu'en serait-il de l'ALENA ? On reproche souvent à Mulroney d'avoir vendu la souveraineté du gouvernement canadien. Mais on oublie que l'ALENA a fait augmenter de 80% les échanges commerciaux avec les États-Unis et a doublé nos échanges avec le Mexique. Une entente économique identique existe actuellement avec le Chili et bientôt avec d'autres pays. On craint encore aujourd'hui que le Canada se voie restreint dans ses politiques sociales. Or, le Canada a émis une réserve au traité dans lequel il se réserve le droit d'émettre des politiques violant les dispositions du traité pour des motifs d'ordre public. De plus, le traité permet des lois pour des motifs environnementaux (l'affaire d'Ethyl Corporation ne serait pas survenue, si la loi avait été faite sous le couvert de la protection environnementale). Sans aller dans plus de détails, l'ALENA fut une excellente chose pour le Canada. Le Québec l'aurait-il ratifié ? Voudrait-il continuer à y être soumis dans un Québec souverain ? Ceci est loin d'être certain. Or, j'estime que la conséquence serait de détruire l'économie du Québec.

Je pourrais donner ainsi un million d'exemples des conséquences de laisser le Québec entre les mains de " gauchistes ". ►

Mais je m'éloignerais encore davantage du coeur de cet article qui se veut d'exprimer l'opinion selon laquelle l'existence même de Pierre Falardeau représente un argument puissant contre la souveraineté du Québec. Pour conclure, l'existence du fédéralisme canadien au Québec assure à ce dernier d'être

plus au centre sur le spectre politique, d'être plus nord-américain, d'être plus concurrentiel sur le marché mondial et d'avoir une économie forte sans pour autant négliger sa langue et sa culture...et de restreindre l'influence intellectuelle d'hommes tels que Pierre Falardeau à la marginalité. Et je suis

extrêmement reconnaissant à l'égard du Canada pour tout cela. Je le serais davantage si le Canada faisait envoyer Falardeau à Guantanamo Bay, mais on ne peut pas tout avoir dans la vie ! ■

A Different Kind of Rally

by Samantha Lamb (Law III)

Last Saturday I went to a rally, or at least I think I did. You see, it wasn't like any political event I've ever been to before. I signed up to join a couple of friends at the March of Hearts Rally for Equal Marriage in Ottawa. I thought I knew what I was signing up for, but I was wrong. It started when we got on the bus, 150 of us from McGill, all barely awake at 8:30 on a Saturday, gently nursing our coffees. The bus captains stood at the front and went through the schedule for the day, and then they handed us these red hearts made of construction paper. We could each write something on our heart and leave it on the steps of Parliament Hill. The captains said that we were of course welcome to write anything we wanted, but they hoped we would choose to write a positive message instead of a negative one, since this was consistent with the spirit of the day.

For some this may not seem strange, but I've been to a lot of rallies and protests and writing a positive message is not usually how things are kicked off. Bus rides usually start with songs or chants of solidarity, but not solidarity with everyone, just with people who agree with our position. Chants and songs either hint at, or expressly state that there is a somebody we are in solidarity against and the chants and songs are preset so we all know what our position is. Instead I sat with my heart in my hands (literally), while being challenged to think about what I wanted to say about why I think equal marriage is

something parliament, and Canadians, should support.

Once we got to the rally I saw my first familiar sign, a row of cop cars. Now some were certainly there to clear the road and escort the parade, but there were an awful lot of them and usually that means they anticipate trouble (or they plan to start some). This I was used to. But when the speeches began, things again got strange. Speakers were talking about equal marriage as an expression of the same values reflected in the Charter, Canadian values of non-discrimination and of dignity for everyone. I've heard this before but what was strange was that the speakers all practiced what they preached. Usually talk about valuing everyone slowly turns into angry ranting against an opposing side, which the speakers then devalue as ignorant, wrong, or malevolent. By the end of the speeches a clear line is drawn between who is us, and who is them, and the call to battle is sounded. So I waited, and waited, but the rants and the anger never came. By the time the actual march started half the cop cars had left. There is no need to keep the peace at a peaceful rally.

The March of Hearts said it was about equality and dignity for everyone, and it was. Not only was it a place where I saw people feel safe identifying as gay, lesbian, or a straight ally, but it was also a place where I heard people feeling comfortable acknowledging that they weren't sure that

they supported gay couples marrying but wanted to hear more on the issue. Creating a climate so respectful that people feel safe in saying that they haven't taken "a side" on an issue is a rare and special thing. Creating a space where there is only an "us", people deserving of dignity and fair treatment, and no "them" to oppose is rarer still. I walked away wishing more issues were handled so respectfully.

Now a cynic may argue that the March of Hearts could only take such an inclusive approach because several courts have already ruled that prohibiting same-sex marriage is discriminatory, and the Canadian government doesn't seem terribly opposed, so there's nothing to get riled up about. I don't buy it. There is plenty of outspoken opposition to the idea of an equal right to marriage, and it has taken a lot of struggle to get to this point. No, the March of Hearts was a respectful and inclusive event because it was designed to be, because a number of people went to a lot of effort to set a positive tone from the first minute to the last. They knew that sometimes you can say more with quiet dignity than with shouting.

Paul Hesse, one of our faculty's own, was one of the key organizers of the whole event so if you see him in the hallway you might want to shake his hand. Based on what I saw on Saturday you might well be shaking hands with a future leader of this country. ■

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Rebellious Lawyering Conference

by Lisa Scheiderman (Law I)

For me going to law school is a very non-rebellious thing to do. In fact I bet few of us were so rebellious growing up that we somehow managed to get accepted. However, I found myself oddly at home at the tenth annual rebellious lawyering conference at Yale. I guess life is about context. When lawyers use the word rebellious they mean non-corporate law and in this case they are referring specifically to American public policy.

The conference discussed a wide variety of public policy areas including foster care, drug, education and campaign finance reform, class action suits and Latino and Latina rights. Although none of these are new public policy issues, the panelists had a wealth of experience enabling them to present interesting and unique perspectives to the debate. For example, on a panel about reproductive rights no one talked about a woman's constitutional right to choice. Instead, a trial lawyer from Massachusetts talked about a prevalent but little known barrier to abortions and a merger and acquisitions lawyer discussed innovative ways to ensure women's reproductive health care and thus, access to abortion.

Jamie Sabino, the trial lawyer, discussed the fact that many states, including liberal Massachusetts, have parental involvement/judicial bypass laws which require teenagers to get either a parent or a court's consent for their abortion. As a result, teenagers who are too scared or unwilling to burden their parents with their pregnancy need to get legal counsel, skip school to attend their court hearing and undergo the trauma of sharing intimate details of their life in court. The law increases health risks as it delays the abortion and it encourages people to lie in order to keep their hearing secret without providing any benefits. The law is not a deterrent to having unprotected sex as over 90% of teenagers only learn about the law after their hearing is scheduled.

Although Massachusetts has ruled 98% of the time that the woman is mature enough to make her own decision and 2% of the time that the abortion is in the woman's best interest, there is no sign of the legislation being repealed. In the past, legislators who have agreed to vote for its repeal have lost favor in their constituencies since the media

branded them as helping teenagers get abortions *and* without their parents knowledge. As a result, Ms. Sabino suggested that the best way to improve the situation would be to alter the law as to only require 16 to 18 year-old women to first talk with an adult family member or professional, something which over 80% of young women already do. Despite the fact that Massachusetts has granted virtually all of the approximately 18,000 teenage abortion requests, this is not the case in other states where courts should not have the power to make a young woman's choice.

The second panelist, Jill Morrison works on merger and acquisition cases at the National Women's Law Center. Since the 1990s, American religious health care providers have been merging, purchasing and in other ways affiliating with secular ones, imposing their religious restrictions on the health care services of their new partners during the process. Although the restrictions are not only limited by Catholic health care providers, in 2002, five of the 10 largest health care systems were Catholic-owned and 16% of community hospital admissions were to Catholic hospitals. Some of the services prohibited by the U.S Conference of Catholic Bishops' *Ethical and Religious Directives for Catholic Health Care Services* include

informing patients about alternative treatments and providing the necessary referrals. Women are not only prevented from accessing medical and surgical abortions and the most commonly used contraceptive services and counseling, but counseling about the use of condoms by HIV-positive patients or other sexually transmitted diseases to prevent transmission. In addition, even in cases of rape, a woman will not be given emergency contraception.

One of the most frightening things is that health care providers are pursuing their policies without informing the public. When people are educated about these religious exemptions, over 75% did not believe that hospitals should have exemptions from performing medical services for religious reasons.

Although religious health care providers are exempted from providing some medical services for moral and religious reasons, there are many legal techniques which can prevent the deterioration of women's health care services. Firstly, case law and many state statutes and regulations impose a duty of informed consent in medical care which states that patients be told about alternative treatments. In fact many states impose specific disclosure requirements. For example, all New York hospitals need to ►

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give written information about services even if they don't provide them, some states force health care providers to educate HIV patients on ways to prevent transmission, and others statutes mandate that sexual assault victims be informed about emergency contraception.

Secondly, in some cases, patients can use general state and federal consumer protection laws which prevent abuse and deception in the marketplace. For example, if a health care institution restricts services but makes misleading statements (such as providing comprehensive services) or omits information about their services in advertising material or admission processes a court can consider whether their acts would have misled a reasonable person.

Thirdly, since charities cannot use a

donation for a purpose other than to what it was donated for, Charitable Trust laws prevent charities from changing its mission, thus preventing nonsectarian hospitals with comprehensive services from affiliating with a religious institutions that restrict care.

Fourthly, if it can be shown that hospitals are not providing the community benefits that they advertise then they can lose a sizable amount of money by having their tax-exempt status revoked. Finally, without mentioning women or religion, many of the mergers and affiliations can be prevented by informing state and federal authorities who are committed to ensuring consumer choice and thus, use antitrust laws to preserve competition between rival producers of goods and services.

The reliance on innovative strategies and the inability to grant basic rights and services through legislation is not just sad, it's scary. It's scary, because we are not just talking about backwater hospitals in conservative states where the population is uninformed. If you were a female student at the highly regarded Georgetown University Law School, you would need to discuss your acne problem in order to get a prescription for oral contraception at health services and if you were date-raped, emergency contraception is unavailable. With these kinds of policies still in place, maybe studying to be a female lawyer is still anti-establishment and even a little rebellious. ■

INVITATION TO JUDGE FIRST YEAR MOOTS

All law students who are not currently in their first year of undergraduate studies are invited to act as judges for first year moots conducted as part of the Legal Methodology course.

Les plaidoiries auront lieu du 22 au 31 mars.

The sign up sheet is posted in the basement of OCDH, on the right side of the entrance of the basement computer lab.

Veuillez appeler Anna au 398-6894 si vous avez des questions.

Merci d'avance pour votre participation!

Skit Nite Contributions

Chers collègues,

Comme vous le savez, nous nous rapprochons de *Skit Nite*, l'un des événements sociaux les plus importants de l'année à notre Faculté (l'autre étant l'orientation). In addition to showcasing the many talents found within our fine Faculty, *Skit Nite* endeavors to give back to the community by supporting Montreal-area charities. Cela dit, son succès ne peut être réalisé qu'avec la générosité des étudiant(e)s et professeur(e)s de la Faculté, ainsi que de celle de la communauté montréalaise en général, à qui nous demandons de s'impliquer. Should you have family or friends who you think would be interested in contributing to this year's *Skit Nite* program, in the form of an advertisement or a donation, feel free to let us know either in person or via e-mail.

Tout argent recueilli durant cette soirée sera versé à 5 organismes qui travaillent pour améliorer le sort de gens en besoin à Montréal: Old Brewery Mission, Generations Foundation, Share the Warmth, Dans la Rue et Chez Doris.

Veuillez contacter Gino Caluori (gino.caluori@mail.mcgill.ca), Lainy Destin (lainydestin@yahoo.com) et Erica Solomon (vp-pr.lsa@elf.mcgill.ca) si vous voulez vous impliquer.

PINO & MATTEO TO CLOSE

Despite vocal opposition, the McGill Administration has gone ahead with its plan to issue a tender for an exclusive, campus-wide food provider. Pino's and other independent cafeterias on campus are to be evicted this May and replaced with Chartwell's, a multi-national food provider known for high prices and lousy food (ask the Engineers!). Ultimately, the cafeteria will close altogether and be moved into another building, connected to Law with a walkway.

Pino & Mateo provide decent food at reasonable prices. They support our clubs and sports teams. They know us by name and care about the faculty. It's time we returned the favour and help them out in their time of need. A campus-wide coalition has formed. It includes student groups, professors and the McGill unions, and its goal is to force the McGill Administration to withdraw the tender it has issued.

What Can I Do?

There are several things you can do to save Pino & Mateo:

- Sign the Petition in Pino's or around campus
- Write an e-mail to The McGill Daily or McGill Tribune
- Phone McGill Ancillary Services at 398-3256
- Boycott Chartwell's (Redpath Library, Engineering Bldg)

NEED MORE INFO? Talk or write to Jeff (jeff.roberts@mail.mcgill.ca) or Pascal (pascal.zamprelli@mail.mcgill.ca)

Call for Quid Volunteers

Many of us will be leaving next year, so the time has come to choose our successors.

Contact us at quid.law@mcgill.ca no later than March 26 if you are interested in one of the following positions. Tell us who you are, what you've done, which position you are seeking, how great you think the Quid is, etc.

Note: Between parentheses is the number of open positions.

Editors-in-Chief (2)

Duties: Organises managing, editing, layout and printing of the Quid; harasses the LSA exec whenever the scanner breaks down; has total control over the Quid's exclusive basement suite and gets to pick on Law Journal members at will.

Time commitment: Unlimited potential! 6-18 hours a week is required to prepare every issue.

The perfect candidate: Is familiar with publishing (Quark) and imaging (PSP) software; is fluent in French and English; is somewhat masochistic, and has an attraction for unpaid, non-credited and thankless jobs (or is a previous LSA member).

Assistant Editors-in-Chief (2)

Duties: Coordinates layout, and supervises layout editors.

Time commitment: 2-6 hours every other week.

The perfect candidate: Is familiar with publishing (Quark) and imaging (PSP) software; enjoys chasing yellow weird-looking bugs around the office.

Layout Editor (3)

Duties: Does the layout for the Quid every week; has to live with the Assistant Editor-in-Chief's mood swings.

Time commitment: 2-4 hours every other week.

The perfect candidate: Is familiar or willing to learn with publishing (Quark) and imaging (PSP) software; likes spending hours in front of a flickering screen in an overly heated basement.

Managing Editors (2)

Duties: Communicates with potential advertisers, and organises all communications with firms.

Time commitment: 2 hours weekly, with rush periods of 5-10 hours.

The perfect candidate: Is organized; is bilingual; knows how to use a calculator and/or Excel; has an ability to write formal yet not overly pompous letters; enjoys having angry messages left on his/her answering machine.

Associate Editors (1-3)

Duties: Proof-reads articles sent to the Quid.

Time commitment: 2 hours weekly, in a specific time-frame.

The perfect candidate: Has an excellent grasp of English and/or French; can resist the urge of inserting profanities when he/she disagrees with what he/she is reading; can live with knowing in advance what will be in next week's Quid.

Web Editor (1-2)

Duties: Improves and maintains the Quid's web site (www.law.mcgill.ca/quid).

Time commitment: 1-3 hours every other week (depending on the number of candidates).

The perfect candidate: Is familiar with web editing; takes pleasure in resetting an SSH password over and over again.

Other positions (TBD)

The Quid regrets the graduation of Dennis, long time front page cartoonist. The sad truth is we need someone to replace the irreplaceable; if you are a cartoonist or photographer, let us know! We also welcome "official collaborators" to cover news and events at and around the Faculty.

L'initiative personnelle est garante du progrès collectif. Proposez-nous votre projet!